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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,477	01/12/2001	Hirofumi Kawamura	203843US6	1740

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

SHIN, CHRISTOPHER B

ART UNIT	PAPER NUMBER
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2182

1H

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

21

# Office Action Summary

Application No.

09/759,477

Applicant(s)

KAWAMURA ET AL.

Examiner

Christopher B Shin

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 13.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The RCE/Amendment received March 19, 2004 has been entered and carefully considered. Claims 1-20 are pending in the application.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 6-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Cowan et al. (5,828,840).

- a. In figures 1- 6 and 15 & the respective description sections of Cowan et al. teaches all of the claimed limitations; therefore, the claimed invention is clearly anticipated by the teachings of Cowan et al.

Art Unit: 2182

5. Claims 6-20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Mizuhara et al. (6,457,040).

a. In figures 1-7 & the description sections of Mizuhara reference teaches all of the claimed limitations; therefore, the claimed invention is clearly anticipated by the teachings of Mizuhara reference.

6. Claims 6-20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Tanaka et al. (6,110,812).

a. In figures 2-8 & the description sections of Tanaka reference teaches all of the claimed limitations; therefore, the claimed invention is clearly anticipated by the teachings of Tanaka reference.

7. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Harada et al. (5,721,583).

a. In figures 1-5 & the respective description sections teaches all of the basic claimed limitations as follow:

Claim 1 Harada (figures 1, 3)

- A terminal control apparatus for controlling a terminal device that performs specific process
  - Feature of a system of figure 1
- Terminal control apparatus
  - Feature of (104)
- Terminal device
  - Feature of (102 with 103)
- Communication means for performing communication between the terminal device and the terminal control apparatus
  - Feature of (2302)
- Control means for controlling the terminal device
  - Feature of (2301, 2305, 2306) controlling (2200)
- By using a terminal control function that accords with the terminal device
  - Feature of (2301) using the data stored in (2305)

Art Unit: 2182

- Personal user data peculiar to a particular user and to a particular user terminal of that user different from the terminal device so that the user can use the terminal device as if the terminal device were the particular user terminal
  - Feature of (2301) using the data stored in (2306)
- Control means communicating with the terminal control apparatus through the communication means
  - Feature of (2302)

b. Since the Harada reference teaches all of the basic claimed limitations, the claimed limitation would have been anticipated by the Harada reference.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al. (5,721,583) in view Foster (6,211,870).

a. The teachings of the parent claim 1 are similarly applied here for the claims 2-5.

b. The difference between the claimed invention and the teachings of the Harada reference is that the Harada reference does not expressly teaches optimal selections of terminal control functions, due to the scope of the Harada's invention. However, such difference in limitations are commonly known and practiced in the art of remote control systems (i.e., universal/programmable remote controller). Since both the references are directly related to remote

Art Unit: 2182

controller systems, it would have been obvious at the time the invention was made to one having ordinary skill in the art to add such well known selection options for the well known motivation of adding an additional function as follows:

Claims 2-5                      Foster (figures 1-8)

- Wherein the control means selects an optimal one of plural available terminal control functions for the terminal device, and performs the optimal terminal control function selected, thereby to control the terminal device
  - Feature of Foster reference
- Wherein the control means comprises selection means for selecting the optimal terminal control function in accordance with terminal information that represents terminal device type and terminal device capabilities, and function-performing means for performing the optimal terminal control function selected by the selection means
  - Feature of Foster reference
- Wherein the function-performing means comprises function control means for controlling various function units of the terminal device, and the function control means controls the functions corresponding to the various function units in accordance with terminal device capability data contained in the terminal information
  - Feature of Foster reference
- Wherein information is received from and transmitted to the terminal device through a terminal control system that operates regardless of what type of terminal device is present
  - Feature of Foster reference.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher B Shin whose telephone number is 703-305-9658. The examiner can normally be reached on 6:30-5:00 M,Tu,Th,F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2182

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher B. Shin  
Primary Examiner  
Of 2182

May 1, 2004

A handwritten signature in black ink, appearing to read 'Chris Shin', written in a cursive style.